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EXTRAORDINARY

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 24th November, 2000:—

I

BILL No. XIV OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force at once.

2. In article 171 of the Constitution:—

In sub clause (c) of clause (3), for the words, "not lower in standard than that of a secondary school, as may be prescribed by or under any law made by Parliament," the words "which are recognized by the concerned State Government or the Government of India" shall be substituted.

Short title and
commence-
ment.

Amendment of
article 171.

STATEMENT OF OBJECTS AND REASONS

At present, in the States having Legislative Councils, there is a provision for electing teachers from the Teachers' Constituency to the Legislative Council to represent the teaching community. Even among the teachers, there is a restriction that only teachers who are teaching not lower in standard than that of a secondary school and above are eligible to exercise their franchise in these elections. It means, only teachers who are teaching in High Schools and above are eligible and large number of teachers who have been teaching children in primary and middle schools are deprived of electing their representatives in the Legislative Council by exercising their franchise. Therefore, there is a clear discrimination between teachers of primary and middle schools and secondary schools and above. After all, in the Legislative Council, the representatives of teachers will have to voice the grievances of all teachers irrespective of which class they are teaching. Therefore, in order to truly represent the teaching community in the legislative Council, it is proposed to give voting rights to all teachers who have put in more than three years of service in any school recognised by the State Government or the Central Government by amending Article 171(3)(c) suitably.

Hence this Bill.

K.C. KONDAIAH.

II

BILL No. XXIV OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

Short title and
commence-
ment.

(2) It shall come into force at once.

2. In article 198 of the Constitution,—

Amendment of
article 198.

(i) in clause (2), for the words "and the Legislative Council shall within a period of fourteen days from the date of its receipt of the Bill return the Bill to the Legislative Assembly with its recommendations, and the Legislative Assembly may thereupon either accept or reject all or any of the recommendations of the Legislative council," the words "the Legislative Council shall take up the Bill immediately after it is laid on the Table of the Legislative Council and return the Bill to the Legislative Assembly with its recommendations" if any shall be substituted.

(ii) clauses (3), (4) and (5) shall be omitted.

STATEMENT OF OBJECTS AND REASONS

At present, the Legislative Council has no power whatsoever in respect of the Money Bill. The Money Bill is introduced in the legislative Assembly and is transmitted to the Legislative Council for its recommendations as per the provision of article 168 of the Constitution. Passing of Money Bill gets delayed in case it is rejected in the Legislative Council. It is, therefore, proposed to amend the article 198 of the Constitution to facilitate smooth passing of Money Bill. Hence this Bill.

K. C. KONDAIAH.

III

BILL NO. XXII OF 2000

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2000.

(2) It shall come into force at once.

2. In List II—State List of the Seventh Schedule, the following entry be inserted at the end, namely:—

"67. Power to legislate to provide rural weightage in the matters of appointment to certain posts in the State for those who have studied in rural areas with population of less than 50,000 for a period not less than ten years of the concerned State.

Short title and
commence-
ment.

Amendment of
Seventh
Schedule.

STATEMENT OF OBJECTS AND REASONS

It is a well-known fact that the candidates who have studied in rural areas of the country seeking appointment in Government Services are unable to compete with the candidates having education in urban areas because of better teaching facilities available in urban areas. Therefore, the candidates who have done their education in rural areas where the population is less than 50,000 should be given rural weightage to secure appointments in Government services. Atleast ten years of study in the rural area as rural weightage in appointment to certain posts in the Government services would discourage rural people coming to urban areas and settling there. Moreover, this will also promote setting up of good educational institutions not only by the Government but by private organisations in rural areas. Providing equal opportunity to all in the matter of appointment in Government will be done only if rural weightage is given and thus bringing rural candidates to the level of others. Hence this amendment.

K. C. KONDAIAH.

IV

BILL No. XXXIX OF 2000

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2000.

Short title.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX.—
Maharashtra,—

Amendment
of the
Constitution
(Scheduled
Tribes) Order,
1950.

(a) in entry 18, for the words "Gond Gowari", the words and Comma "Gond,
Gowari" shall be substituted;

(b) the following *Explanation* shall be inserted at the end, namely:—

"*Explanation*,—It is hereby declared that Gond and Gowari are two different tribes and shall be treated as such by the Central and State Governments including Maharashtra and all the facilities available to other tribes shall also be extended to them by the Central and State Governments."

STATEMENT OF OBJECTS AND REASONS

Some entries in the list of Scheduled Castes and Scheduled Tribes notified in various Presidential Orders have been the subject of criticism on the ground that the names of certain Scheduled Caste and Scheduled Tribe communities or sub-sections thereof included in the list sound derogatory or unjustifiable because of their unrespectful or undignified connotation and as such these entries have been amended from time to time.

Gond, Gowari are separate communities and should have been shown separately in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX.—in respect of Maharashtra State.

Upto 1980 these tribes were accorded tribal status as per Presidential order and were provided with all facilities available to other Scheduled Tribes. However, the Government of Maharashtra withdrew all the facilities to these tribals for the reasons best known to them. The people of these tribes have since then been agitating for restoration of their tribal status and facilities to them. It is, therefore, proposed to amend the Constitution (Scheduled Tribes) Order, 1950 to achieve the objective.

Hence this Bill.

R. S. GAVAI.

V

BILL No. XXXVIII OF 2000

A Bill further to amend the Indian Penal Code 1860.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the Indian Penal Code (Amendment) Act, 2000.

Short title.

45 of 1860.

2. In section 147 of the Indian Penal Code (hereinafter referred to as the principal Act), for the words “two years or with fine or with both”, the words, “ten years or with fine which shall not be less than rupees twenty thousand or with both” shall be substituted.

Amendment of section 147.

3. In section 148 of the principal Act, for the words “three years, or with fine or with both”, the words “ten years or with a fine which shall not less than rupees one lakh or with both” shall be substituted.

Amendment of section 148.

4. In section 152 of the principal Act, for the words “three years, or with fine or with both”, the words “five years with fine of rupees twenty thousand” shall be substituted.

Amendment of section 152.

5. In section 153A of the principal Act,— (i) in sub-section (1), for the words “three years, or with fine or with both”, the words “ten years with fine of not less than rupees one lakh” shall be substituted.

Amendment of section 153A.

(ii) In sub-section (2), for the words “five years, and also shall be liable to fine, the words “ten years and a fine of rupees one lakh” shall be substituted.

6. In section 153B of the principal Act,— (i) in sub-section (1), for the words “three years, or with fine or with both, the words “ten years and with fine not less than rupees one lakh” shall be substituted.

Amendment of section 153B.

(ii) In sub-section (2) for the words “five years and shall also be liable to fine”, the words “ten years and a fine of rupees one lakh” shall be substituted.

STATEMENT OF OBJECTS AND REASONS

In the recent past it has been observed that incidents of rioting are taking place often, and public property is damaged. Public servants who try to control riots are beaten and sometimes critically injured. Unlawful Assembly of persons with an intention of rioting sometimes involves killing of number of persons and large scale damage to public property. Recently many places of worship were attacked and inmates were assaulted resulting in serious injury and sometimes death. The sentiments of people belonging to these religions have been deeply hurt.

Keeping in view the gravity of the offence it appears that punishment provided in Indian Penal Code for rioting and attack on places of worship is meagre. With a view to preventing such incidents, it is proposed to enhance the punishment.

Hence this Bill.

R. S. GAVAI.

VI

BILL NO. IV OF 2000

A Bill to provide for the establishment of a permanent Bench of the high court of Gujarat at Rajkot.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. This Act may be called the High Court of Gujarat (Establishment of a Permanent Bench at Rajkot) Act, 2000.

Short title

2. There shall be established a permanent Bench of the High Court of Gujarat at Rajkot and such Judges of the High Court of Gujarat being not less than three in number, as the Chief Justice of that High Court may from time to time depute, shall sit at Rajkot in order to exercise the jurisdiction and power for the time being vested in that High Court in respect of cases arising in the districts of Porbandar, Junagadh, Amreli, Bhavnagar, Surendranagar, Kutch, Jamnagar and Rajkot.

Establishment
of a Permanent
Bench of the
High Court of
Gujarat at
Rajkot.

STATEMENT OF OBJECTS AND REASONS

There has been a presistent demand for setting up of a permanent Bench of the High Court of Saurashtra and Kutch region of the State for the past many years. More than one Lac, six thousand cases have been pending in Gujarat High Court for quite a long time.

Rajkot city is a prominent central place for Saurashtra and Kutch where all infrastructure facilities including communication and transport are available. At present, the people belonging to the districts of this region of the State have to travel a long distance to reach Gandhinagar in connection with their cases which is a time consuming and expensive affairs. In the interest of cheap and speedy justice and for the convenience of the litigant public, and also keeping in view the fact that Saurashtra, an erstwhile State of the Indian Union Prior to its amalgamation in the Gujarat which come into existence on 1st May, 1960 was having a separate High Court.

Hence this Bill.

LALIT BHAI MEHTA.

VII

BILL NO. LX OF 2000

A Bill to provide for the protection of distressed farmers affected by natural calamities such as drought, floods, hailstorm, cyclones etc. who lose crops, livestock, dwelling units, household items including food items etc. due to such calamity by providing adequate compensation by the state and to prevent their exploitation by money lenders and unscrupulous elements and for making it mandatory for the public, private, co-operative sector Banks and other financial institutions to provide easy loan to such distressed farmers so as to save them from hunger and taking the extreme step of committing suicide and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the farmers affected by Natural Calamities (Adequate Compensation and Miscellaneous Provisions) Act, 2000.

Short title, Extent and Commencement.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this act, unless the context otherwise requires:—

Definitions.

(a) "appropriate Government" means in the case of a state the Government of that state and in other cases the Central Government;

(b) "Commissioner" means a Commissioner appointed under section 4;

(c) "fund means" Farmers Natural Calamity Assistance Fund established under section 3;

(d) "natural Calamity" includes droughts, floods, earthquakes, cyclones, hail-storms etc.; as may be notified in a manner to be provided in Rules framed under the Act.

(e) "prescribed" means prescribed by rules made under this Act.

Establishment
of a Natural
Calamity
Assistance
Fund.

3. (1) The Central Government shall, as soon as may be, establish the Farmers Natural Calamity Assistance Fund for the purposes of this Act.

(2) The initial amount of the fund established under Sub-section (1) shall be one thousand crore rupees of which eight hundred crore rupees shall be provided by the Central Government, after due appropriation made by parliament in this behalf and two hundred crore rupees shall be provided by the State Governments in proportion to their agricultural population relevant for the purposes of this Act.

(3) After the initial stage of the Fund moneys shall be provided to the fund by the Central and State Governments in such proportion and in such manner as may be prescribed from time to time.

(4) The Fund shall also comprise moneys received from the general public, body corporate and financial institution, domestic as well as foreign, as donations, gifts etc.

Appointment
of Commis-
sioners.

4. The Appropriate Government shall, by notification in the Official Gazette, appoint a Commissioner for every district affected by natural calamity of the country, who shall entertain the claims for payment of compensation from the affected farmers under this Act.

Compensation
to farmers
affected by
Natural
Calamities.

5. Every farmer who is affected by natural calamity by way of losing his crop, livestock, movable or immovable property shall be entitled to and receive adequate compensation out of the fund in accordance with the provisions of this Act.

Fixation of
Compensation.

6. Subject to the provisions of this Act, the amount of compensation payable to a farmer affected by natural calamity shall be such as may be specified by the Central Government from time to time, by notification in the Official Gazette:

Provided that while specifying the compensation the Central Government shall take into account the total loss suffered by a farmer due to the natural calamity.

7. (1) Every Claimant for payment of compensation under this Act shall apply to the commissioner appointed under Section 4 in prescribed form giving such relevant information as may be prescribed.

(2) Every claim for compensation under this Act shall be finalised and the payment made within thirty days of filing of the claim.

Special
Assistance
package.

8. The appropriate Government shall formulate special assistance package for the children, infirm persons and old citizens vulnerable to the aftermath of natural calamity and implement it in such manner as may be prescribed.

Loans to
farmers
affected by
natural
calamities by
banks and
financial in-
stitutions.

9. (1) Notwithstanding anything contained in any other law and for the time being in force, it shall be obligatory for all the Public, Private and Cooperative sector Banks and Financial Institutions to provide easy loans with nominal or without interest to the farmers affected by natural calamity to withstand its severity.

(2) The Banks and Financial Institutions shall also not recover the earlier loan given to the farmer affected by natural calamity for at least a year after the calamity and the farmer shall not be denied fresh loan on this ground.

10. It shall be the duty of the appropriate Government to provide quality seeds, manure fertilizers etc. to every farmers who lost his crop due to natural calamity in such manner as may be prescribed.

Duty of Government to provide seeds etc.

11. The State Governments shall cooperate in implementing the provision of this Act and the Central Government shall place necessary funds at the disposal of the State Government for the purpose.

Co-operation of the State Governments.

12. The provision of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

13. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to Make Rules.

STATEMENT OF OBJECTS AND REASONS

Ours is a very vast Country and natural Calamities do occur in one part or the other very frequently. For instance Andhra Pradesh sometimes is devastated by Cyclones and this time floods have overtaken the State. Drought has become a perpetual phenomena in many parts of the State and last years as many as 22 districts were reeling under drought. Similarly Assam is flooded every year, coastal areas in the Country face Cyclones, Orissa is devastated by cyclones as well as severe drought every year. Half of Bihar is flooded and other half is drought prone, Madhya Pradesh, Chhatisgarh, Gujarat, Rajasthan, parts of Maharashtra, Uttar Pradesh face the wrath of drought consistently. Many parts face earthquake, Hailstorm, cloudbursts and other natural calamities. However the farming community mostly bear the brunt of such natural calamities as more than 70 percent of our population lives in villages and depends on agriculture. The crop is damaged by almost all the natural calamities. With this the hopes of the farmer and his family are dashed. Thereafter he is hounded by the money lenders and others to get back their money which the farmer had taken as loan with the hope that he will repay it after reaping the harvest. Even Banks do not spare the poor farmers. Many a times apart from losing the crop the farmer also loses his livestock, household items and even his dwelling unit and thus becomes homeless. Many unfortunate even lose their lives. Unable to face the harsh realities of life many of them take the extreme step of committing suicide which is a blot on our democracy. Such suicides have taken place many a times in Andhra Pradesh, Maharashtra, Madhya Pradesh etc. and even in Punjab.

Ours is a welfare State and it is the duty of the State to protect the interests of our farmers who grow food for the entire nation and come to their rescue at times of distress. The Government should give them adequate compensation so as to enable them to face the effects of calamity. Banks and financial institutions should come forward to give them soft loans so that they are not exploited by moneylenders. The farmers must feel that the nation is behind them.

Hence this Bill.

DR. DASARI NARAYANA RAO

FINANCIAL MEMORANDUM

Clause 3 provides for the establishment of Farmers Natural Calamity Assistance Fund. Clause 4 provides for the appointment of Commissioners. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crore may involve as recurring expenditure per annum.

A sum of rupees Ten Crores may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VIII

BILL NO. LVIII OF 2000

A Bill to provide for the protection and welfare of fishermen in the country by establishing a Welfare Fund for thier benefit and for extending adequate life insurance cover, medical care, financial assistance for fishing nets, boats and other necessities, unemployment allowance during lean periods, free education including vocational education to their children and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Fishermen (Protection and Welfare) Act, 2000.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Short title,
extent and
commencement.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "accident" means an accident caused during the course of fishing including drowning;

(b) "administrator" means an administrator appointed under section 5;

(c) "appropriate Government" means in the case of a State the Government of that State and in other cases the Central Government;

(d) "fisherman" means a person who earns his livelihood by catching fish from the fisheries and whose only source of income is the money he earns from selling such fish;

(e) "partial disablement" means such disablement which has reduced the working capacity of a fisherman temporarily which he was capable of having before the accident;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "total disablement" includes any disablement which incapacitates a fisherman for all work which he was capable of performing prior to the accident;

(h) "welfare Fund" means the Fishermen Welfare Fund established under Section 4.

Long term
national
policy for
fisherman.

3. The Central Government shall, as soon as may be, but within one year from the commencement of this Act, formulate, in consultation with the Governments of the States having substantial population of fishermen, a long term national policy for the welfare of traditional fishermen and their families and protect their fishing rights against the onslaught of big fishing companies including the multinationals.

Establishment
of Fishermen
Welfare Fund.

4. (1) The Central Government shall, by notification in the Official Gazette, establish a Fishermen Welfare Fund for the purposes of this Act.

(2) The initial corpus fund of the welfare Fund shall be five hundred crore rupees of which four hundred crore rupees shall be provided by the Central Government after due appropriation made by Parliament in this behalf and one hundred crore rupees shall be provided by the State Governments in proportion to their fishermen population relevant for the purposes of this Act;

(3) After the establishment of the Welfare Fund, moneys to the Fund shall be provided by the Central and State Governments in such proportion as may be agreed to from year to year and moneys received by way of donations from persons or body corporates shall also form the corpus fund of the Welfare Fund.

Administrators.

5. The Central Government shall, by notification in the Official Gazette, appoint such number of Administrators as it may deem necessary, who shall entertain the claims for payment of compensation and other facilities under this act.

Utilisation of
Welfare fund.

6. The Welfare Fund established under section 4 shall be utilised for;

- (a) adequate life insurance cover to the fishermen and their families;
- (b) free medical care to the fishermen and their family members;
- (c) financial assistance to the fishermen for the purchase or repair of fishing nets, boats and other necessary equipments for fishing;
- (d) financial assistance during illness and financial crisis during lean periods;
- (e) free education including technical and vocational education to the children of fishermen;
- (f) financial assistance for marriage in the family of fishermen.

Fixation of
the com-
pensation.

7. Subject to the provisions of this Act, the amount of compensation payable to a fisherman sustaining injury resulting in his death or total or partial disablement or in case of his drowning or sweeping away by the water currents or in his disappearance in a storm or cyclone, shall be such as may be specified by the Central Government from time to time by notification in the Official Gazette.

8. In case of death of fisherman the compensation so fixed under section 7 shall be paid to the spouse of the deceased or to his legal heir or to the children, as the case may be, and in case the deceased being unmarried the compensation shall be paid to his parent or parents, as the case may be. Compensation in case of death.
9. Every claimant for payment of compensation under this Act shall apply to the Administrator in prescribed format giving such details as may be prescribed. Form of claim.
10. Every claim for compensation under this Act shall be finalised by the Administrator and payment made within thirty days of filing of the claim. Finalisation of claim
11. The appropriate Government shall establish adequate number of educational institutions including vocational training institutions and health care centres in and around the areas inhabited by fishermen. Appropriate Government to provide health and educational facilities.
12. It shall be the duty of the appropriate Government to provide adequate and hygienic marketing facilities to the fishermen for their catch. Marketing facilities.
13. The appropriate Government shall protect the fishing rights of the traditional fishermen by preventing national companies and Multinational Companies from fishing in the fisheries within the jurisdiction of traditional fishermen as may be determined by the Central Government from time to time. Protection from body corporates and multinationals.
14. The Central Government, through the Coast Guard and Navy, shall prevent the trespassing by fishermen of other countries into the fisheries in Indian Waters. Central Government to prevent trespassing by foreign fishermen.
15. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

There are millions of fishermen and their families spread over Southern, Eastern and Western parts of the Country. Their main occupation and means of livelihood is catching fish and selling it in the market and they are doing this for generations. In Andhra Pradesh alone there are lakhs of such families who survive on fishing. However, the fisherman and their families live in object poverty nearly hand to mouth whereas the middleman, wholesalers and retail traders of fish etc. flourish at their cost as the sea food is becoming popular not only in the country but worldwide. Sea products are very much in demand but the status of fishermen has remained the same. Many of the fishermen are carried away by water currents particularly during storms and cyclones and they lose their lives. Similarly they get drowned during fishing or receive injuries leading to partial or total disablement. But there is nobody to look after them except their hapless poor families. In fact the disablement or death of a fisherman ruins his family who remain at the mercy of fate alone.

Since the poor fishermen are a part and parcel of our society and ours being a welfare state it is necessary that the fishermen too are provided with adequate insurance against accident, health care, financial assistance in case of need, educational facilities for their wards etc. They are also to be protected from the onslaught of big companies and multinationals. Sometimes fishermen from neighbouring countries trespass into our water and carry the catch which need to be stopped. In fact the nation has to give maximum security and facilities to the fishermen of the country.

Hence this Bill.

DR. DASARI NARAYANA RAO.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the establishment of fishermen welfare fund. Clause 5 provides for the appointment of Administrators, clause 11 provides that appropriate Government shall provide health and educational facilities to fishermen. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of two hundred crore rupees may involve as recurring expenditure every year.

A non recurring expenditure of about ten crore rupees may also involve.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill. The rules will related to matters of details only.

The delegation of legislative power is of normal character.

IX

BILL NO. LIX OF 2000

A Bill to provide for overall development on priority of drought prone, poor, underdeveloped and backward areas particularly of rural parts and tribal belts of the country which are lagging behind in social, economic, educational, infrastructural and industrial development by establishing an autonomous Central Authority for rapid, accelerated and assured development of such areas in a planned manner and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Fifty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Drought Prone, Poor and Backward Areas (Development on Priority) Act, 2000.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India.

(3) It shall come into force with immediate effect.

2. In this Act, unless the context otherwise requires:—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “authority” means the Drought Prone, Poor and Backward Areas Development Authority established under section 5;

(c) “drought prone areas” and includes the areas where average rainfall is consistently below normal and also includes such areas which in the opinion of the Central Government are drought prone and declared as such, by notification in the official Gazette, in consultation with the Government of the States where such areas exist for the time being;

(d) “poor and backward areas” means the economically, socially, educationally and industrially underdeveloped and non-developed areas so declared by the appropriate Government under section 3;

(e) “prescribed” means prescribed by rules made under this Act.

Declaration of drought prone, poor and backward areas.

3. The Central Government shall, as soon as may be, by notification in the Official Gazette, and in consultation with the concerned States, declare such areas or regions, as the case may be, as drought prone, poor and backward, which in its opinion require priority attention to bring them at par with the rest of the developed areas of the country.

Central Government to formulate special development plans.

4. The Central Government shall, as soon as may be, but within one year from the date of commencement of this Act, formulate special development plans for the rapid development of areas identified and notified under section 3 for providing necessary infrastructure for the development particularly of industrial growth with immunity of investments, roads, railways, post and telegraph and other means of communications, agriculture, irrigation facilities by watershed management, rain harvesting, construction of wells, bore wells, canals etc., drinking water through wells, hand pumps and taps, fodder facilities, electricity through hydel, solar, wind and thermal power, development of forests, livestock, orchards, poultry, milk cooperatives, small and cottage industries, health services including family welfare schemes, education and vocational training, network of public distribution system, tourism in such areas in the country particularly in rural and tribal areas of Andhra Pradesh like, Rayalaseema, Telangana and other drought prone and backward areas of the State, and areas of Bihar, Orissa, Madhya Pradesh, Chhatisgarh, Gujarat, Rajasthan etc.

Establishment of Drought Prone, Poor and Backward Areas Development Authority

5. (1) The Central Government shall, by notification in the Official Gazette, establish an authority to be known as the Drought Prone, Poor and Backward Areas Development Authority.

(2) The Authority shall be a body corporate by the name aforesaid, having perpetual succession and common seal, with power to acquire, hold and dispose of property, both moveable and immoveable, and to contract and shall by the said name sue and be sued.

(3) The Headquarter of the Authority shall be at Hyderabad in the State of Andhra Pradesh, and the Authority may, with the consent of the appropriate Government, establish offices at other places in the Country.

Composition of the Authority.

6. The Authority shall consist of:—

(a) The Prime Minister, who shall be the *ex-officio* Chairperson;

(b) The Deputy Chairman of the Planning Commission, who shall be Vice-Chairperson;

(c) Five Members of Parliament representing the drought prone, poor and backward areas of the States, of whom three shall be from Lok Sabha and two from the Rajya Sabha to be nominated by the Presiding Officers of the respective Houses;

(d) twelve Members to be appointed by the Central Government representing the Ministries or Departments, as the case may be, of Planning Commission, Rural Development, Agriculture, Industry, SSI, Finance, Railways, Surface Transport, Communications, Human Resource Development, Water Resources, and Power of the Union Government;

(e) not more than four Members to be appointed by the Central Government by rotation in the alphabetical order to represent the Governments of the States having the drought prone, poor and backward areas.

7. (1) The Authority shall have a Secretariat consisting of such officers, employees and establishment, as may be prescribed.

Secretariat of the Authority.

(2) The conditions of service, emoluments and other perks of the officers and employees shall be such, as may be prescribed from time to time.

8. (1) The Central Government shall provide, from time to time, after due appropriation made by Parliament by law in this behalf, adequate funds for the purposes of this Act.

Funds of the Authority.

(2) The State Government shall also contribute to fund in such manner as may be prescribed.

(3) The fund shall also consist of moneys received from international financial institutions, industrial houses, individuals etc.

9. It shall be the duty of the Authority to take such special steps as it may deem necessary to implement the special development plans formulated under section 4.

Authority to implement the special development plans.

10. The Authority shall submit an annual report, in such form and in such manner, as may be prescribed, of its activities of development in the drought prone, poor and backward areas of the Country to the President of India who shall cause the Report to be laid before both the Houses of Parliament, as soon as may be, after it is received by him.

Annual report.

11. The provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Savings.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

More than five decades have elapsed since our Independence but the poverty, hunger and backwardness still persists in many areas and even in regions of the Country. Unprecedented drought conditions play havoc in various parts of the country killing people, livestock and cause untold miseries and sufferings. Mahboobnagar in Andhra Pradesh, Kalahandi in Orissa, Saurashtra and Kutch in Gujarat, Jaisalmer in Rajasthan, Palamu in Bihar and Chattisgarh have become synonymous of persistent droughts where rain god is consistently evasive resulting in acute shortage of even drinking water what to speak of irrigation and other facilities. In Andhra Pradesh alone as many as 18 districts including Mahboobnagar are drought prone, poor and backward as those of other areas in various parts of the Country. The farmers in these areas can not sow crops as the lands become dry and parched and there are no irrigation facilities. The people do not get food to eat and water to drink resulting in their exodus.

In many places particularly in Andhra Pradesh, Orissa and Gujarat Starvation deaths have also been reported and it has become a regular phenomena. Though concerned State Governments as usual deny starvation deaths but the reality remains what it is. The worst affected are the mute live stock dying unnatural death in the absence of fodder and water. The old, weak and physically challenged citizens too face the same situation. As a result these areas have remained underdeveloped uncared for the backward. The situation has gone from bad to worse due to apathy of Central and State Governments.

Development of such areas should be our prime concer. Special steps should be taken for better water management through forestry and other water harvesting means, canals etc. Other development activities should also be initiated in these areas. If an Authority is established exclusively for this purpose it is felt that rapid development of such areas can be achieved.

Hence this Bill.

DR. DASARINARAYANA RAO.

FINANCIAL MEMORANDUM

Clause 5 of the Bill provides for establishment of the Drought Prone, Poor and Backward Areas Development Authority. Clause 8 provides for the funds to be made available by the Central Government. The Bill, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupee one thousand crores may be involved as recurring expenditure per annum.

A sum of rupees one hundred crores may also involve as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

X

BILL NO. LVI OF 2000

A Bill to provide for free and compulsory primary education for all the girls of school going age throughout the country and for their welfare in order to eradicate illiteracy among them and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. (1) This Act may be called the Universalisation of Girls Education Act, 2000.

(2) It extends to the whole of India.

(3) It shall come into force on such date, as the Central Government may, by notification in the official Gazette, appoint.

Short title,
extent and
commence-
ment.

2. In this Act unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the State Government and in all other cases the Central Government;

(b) “girl” means any female human being who is below the age of sixteen years;

(c) “parent” in relation to a girl includes a guardian and every person who has the actual custody of the girl;

(d) "prescribed" means prescribed by rules made under this Act;

(e) "primary education" means education upto eighth class in a school;

(f) "school" includes every educational institution imparting primary education or higher education to the children.

Compulsory primary education to girls.

3. Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the appropriate Government to provide every girl residing in its territorial jurisdiction,—

(a) free and compulsory primary education:

Provided that if the girl intends to pursue higher studies beyond the primary stage the appropriate Government shall provide free higher education to such girl.

(b) Stationery helpful to her studies such as books, note-books, writing materials etc. free of cost;

(c) school uniform, free of cost;

(d) free hostel facilities and scholarships in deserving cases.

Appropriate Government to establish requisite number of primary schools.

4. It shall be the duty of the appropriate Government to establish and maintain or cause to be established or maintained such primary schools within its territorial jurisdiction as the appropriate Government may deem necessary so as to provide compulsory primary education to every girl residing in such jurisdiction.

Establishment of special schools by appropriate Government.

5. The appropriate Government shall establish and maintain or cause to be established or maintained such number of special schools for physically handicapped or mentally retarded girls at such place or places within its territorial jurisdiction as the appropriate Government may deem necessary.

Free and compulsory education for girls.

6. The appropriate Government shall provide free and compulsory education to every girl who is ordinarily residing within its jurisdiction.

Parents of girls to admit her for primary education in a school.

7. (1) Notwithstanding any custom, usage or belief every parent shall admit his girl child on completion of five years of age to a primary school and shall not restrain the girl from attending the school.

(2) If the girl is physically handicapped or mentally retarded it shall be the duty of the parent to admit her, on completion of five years of age to a special school established under section 5.

Girls not to be engaged in household chores so as to prevent them from getting primary education.

8. No parent or person shall engage a girl child in household chores or employ a girl child in a manner which shall prevent her from attending a primary school.

Vocational training to girls.

9. The appropriate Government shall, in addition to the compulsory and free primary education, also provide training to the girls in vocations like home science, tailoring, painting, doll making, knitting and weaving, food preservation, interior decoration, nursing, etc.

10. (1) If any parent of a girl, for any reasons, prevents, restrains or otherwise obstructs his girl child from receiving primary education in school, such a parent shall be liable to simple imprisonment which may extend to six months or with fine which may extend to ten thousand rupees or with both. Penalty.

(2) If any parent of a girl or any person contravenes the provisions of section 8, he shall be liable to imprisonment which may extend to six years or with fine which may extend to twenty thousand rupees or with both.

1 of 1974.

11. Notwithstanding anything contained in the Code of Criminal Procedure 1973, the offences under this Act shall be cognizable. Offences to be cognizable

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

STATEMENT OF OBJECTS AND REASONS

It is an irony that on the one hand our country rather the whole world is heading towards 21st century achieving many scientific advancements but on the other hand the girls are the most neglected and unwanted lot throughout the world in general and in our country in particular. This is evident from the fact that most of the families do not want that a daughter be born in the family. Due to scientific development the female foetus is detected at the early pregnancy stages and aborted. However, despite every effort if the girl is born she is always neglected. The living conditions of girls in orthodox families particularly in rural areas are worst. While the male children get best attention the girls are treated shabbily. The boys are sent to best of the schools for education but the girls are not sent to schools at all. In the cities and metropolices the situation has improved a lot but in the rural areas the situation is very grim. The girls are denied even primary education. They are supposed to do the household chores and married of tenderage to contribute in the population explosion. As such most of the girls remain illiterate throughout their lives and remain dependent on others. Due to their illiteracy they are generally cheated and denied the property rights fraudulently by getting their thumb impression. Even a letter is required to be read by someone, to her. This results in illiteracy to her children also. It is a hard fact that if a girl is literate, she will certainly teach to her children and will not allow them to remain illiterate.

Hence it is necessary that girls should be given compulsory primary education to eradicate illiteracy from the country. Being a welfare State it is the holy duty of the State to come forward in this field and educate the girls through compulsory and free education. The State should provide adequate number of schools for this purpose. The parents of the girls should be forced to send them to schools or they should be punished to have a deterrent effect on others. Then only the girls can be educated and illiteracy among the girls can be removed from our country.

Hence this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides that appropriate Government shall establish requisite number of primary schools within its jurisdiction. clause 5 of the Bill provides for the establishment of special schools by the appropriate Government. The Bill if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is likely to involve a sum of rupees one thousand crores from the Consolidated Fund of India per annum as recurring expenditure.

It is also likely to involve a sum of rupees five hundred crores from the Consolidated Fund of India as non-recurring expenditure.

Hence this Bill.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

XI

BILL NO. LVII OF 2000

A Bill to amend the Environment (Protection) Act, 1986.

BE it enacted by Parliament in the Fifty-first year of the Republic of India as follows:—

1. This Act may be called the Environment (Protection) Amendment Act, 2000.

Short title.

29 of 1986.

2. In section 2 of the Environment (Protection) Act, 1986 (hereinafter referred to as the principal Act).—

Amendment
of
section 2.

(i) for clause (a), the following clause shall be substituted, namely:—

‘(a) “environment” includes water both surface and underground and also the territorial waters, air and land including the surface of the earth, sub-soil and the forests (the flora and the fauna) and the inter-relationship which exists among and between water, air and land and human beings, other living creatures, plants, micro-organism and property exclusive of mere amenities;’

(ii) for clause (b), the following clause shall be substituted, namely:—

‘(b) “environmental pollutant” means any solid, liquid or gaseous substance introduced into the environment in such concentration as may, or tend to alter substantially the composition of the environment or injurious to environment and includes heat, radiation, dust and noise.’

Amendment
of section 3.

3. In section 3 of the principal Act,—

(i) for sub-section (2), the following sub-section shall be substituted, namely:—

“(2) The Central or State Governments may, by order, published in its or their Official Gazettes, constitute such enforcement agencies at Central or State level as they consider necessary and expedient so to do for the purposes of enforcing or implementing the provisions of this Act.”; and

(ii) sub-section (3) shall be omitted.

Insertion of
new sections
3A, 3B, 3C,
3D and 3E.

4. After section 3 of the principal Act, the following sections shall be inserted, namely:—

Constitution
of National
Environmental
Quality
Agency and
National
Environmental
Authority.

“3A. (1) Notwithstanding anything contained in sub-section (2) of section 3, the Central Government shall constitute a National Environmental Quality Agency (hereinafter referred to as Agency) and a national Environmental Authority (hereinafter referred to as Authority) for the purposes of implementation of the provisions of this Act.

(2) Notwithstanding any statutory agency already functioning in the State, the Central Government shall, in consultation with the State Governments, constitute Regional offices of the Agency and Authority in every State to be called State Environmental Agency and State Environmental Authority.

(3) The Agency and the Authority shall have the power to supervise and to coordinate the functions of these regional offices:

Provided that the Agency and Authority may entrust some of its functions and delegate its powers to the Regional Offices.

Composition
of Agency.

3B. The Agency shall consist of five members who have specialised in the field of environmental and legal sciences, and a legal cell with specialists in the field of environmental law, to be appointed by the Central Government.

Powers and
functions of
the Agency.

3C. (1) The powers and functions of the Agency shall include the following:—

(a) to strive to evolve a national environmental policy and to protect and preserve environment in an acceptable state;

(b) to study man environment interaction and the implications of rapid industrialisation and weather modification techniques and their impact on the ecology;

(c) to promote research in the environmental field, and to collect and disseminate the information in respect of matters relating to environmental pollution and to publish annual environment assessment reports;

(d) to prepare manuals, codes or guide-lines for promotion and improvement of environmental protection;

(e) to lay down standards for the quality of environment in its manifestation aspects;

(f) to identify and designate those industries and other activities that are of significant sources of pollution;

(g) to lay down standards for emission or discharge of environmental pollutants from various sources whatsoever;

(h) restriction of areas in which any industries, operations or processes or class of industries, operations or processes shall or shall not be carried out subject to certain prescribed safeguards;

(i) to lay down procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents;

(j) to lay down procedures and safeguards for the handling of hazardous substances;

(k) to examine such manufacturing processes, materials and substances as are likely to cause environmental pollution;

(l) to suggest alternative methods of meeting rapidly increasing urban transport needs;

(m) to study vehicle pollution control methods and inspect devices used for their purpose and to encourage the use of low-pollution automobiles and fuels;

(n) to undertake research for upgrading technology in order to reduce pollution through noise and discharge of exhaust to the minimum possible levels, and to regulate fuel composition and additives;

(o) to collect representative samples of instruments to control pollution in automobiles, for periodical scrutiny.

(2) In particular, the Agency shall designate the following as priority areas for research:—

(i) methods for comprehensive environmental development of human settlements, both urban and rural, and the exploitation and optimum use of natural resources;

(ii) quantitative housing requirements and other infrastructure in this connection, and the activities of several public works departments;

(iii) water supply, sewerage and waste disposal systems adapted to local conditions; and

(iv) the problem of deforestation, the use of chemicals and fertilisers to control insects and weeds, soil conservation, silt from land erosion, heat from industrial processes and power generating equipments, radio-active materials and nuclear fall out pollution by noise from industries and automobiles.

(3) The legal cell of the Agency shall be responsible for laying down detailed procedures as to the mode and quantum of compensation to be paid in cases of loss of life or injury to property or the environment or health of human beings caused by environmental pollution:

Provided that the Agency may work in close coordination with the specialists in environmental planning and rural development.

3D. The Authority shall consist of three members to be appointed by the Central Government and shall be responsible for enforcing and implementing the long-term and short-term plans and environmental standards laid down by the Agency.

Composition
of Authority.

3E. The Authority shall have the power to—

Powers and
functions of
Authority.

(a) inspect any premises, plant, equipment, machinery, manufacturing or other process, materials or substances and giving, by order, such directions to such authorities, officers or persons as it may consider necessary to take steps for the prevention, control and abatement of environmental pollution;

(b) to initiate legal proceedings against persons or concerns contravening the provisions of this Act;

(c) to collect samples of air, water and soil from the premises of industrial and other potential sources of pollution;

(d) to investigate into and report on the alleged violations of the provision of this Act on the basis of complaints lodged by individuals or bodies of individuals;

(e) to take immediate remedial steps in cases of emergency,”

Substitution
of new section
for section 4.

5. For section 4 of the principal Act, the following section shall be substituted, namely:—

Appointment
of officers and
their powers
and functions.

“4. (1) The Authority may appoint officers with such designations as it thinks fit for the purposes of this Act and may entrust to them such of the powers and functions under this Act as it may deem fit.

(2) The officers appointed under sub-section (1) shall be subject to the general control and direction of the Authority.”

Substitution
of new section
for section 19.

6. For section 19 of the principal Act, the following section shall be substituted, namely:—

Filing of suits.

“19. (1) No Court below the rank of a District Court shall be empowered to decide disputes arising under this Act.

(2) A case under this Act may be filed either by an individual or a body of individuals directly or through the State Environmental Authority or by the Authority itself.

(3) On being approached by any individual or a body of individuals with a complaint against an alleged contravention of this Act, the Authority shall make preliminary investigation into allegations, and if it is satisfied that a *prima facie* case exists, it shall file a case against the alleged polluter.

(4) The Court shall, in deciding any matter under this Act,—

(i) be assisted by at least two environmental experts to be made available by the State Government;

(ii) require the State Authority to investigate into the matter and file the report thereof before it.”.

STATEMENT OF OBJECTS AND REASONS

With a view to effectively control environment pollution to the desired levels the Environment (Protection) Act was enacted in 1986. This was in addition to the already existing laws to check the air and water pollution in the country. But despite its best intentions and with a consistent supporting hand of the Parliament, Government has failed to effectively contain the environment pollution in the country. The air of the National Capital and other metropolitan cities has become polluted to the poisonous level resulting in various respiratory diseases such as bronchitis, asthma, Sinus and even lung cancer. According to a report, by the end of this century the city of Delhi will become unfit for human habitation. The air pollution goes unchecked despite stiff penalties provided in the Motor Vehicle Act, 1989. Though the air is generally polluted by motor vehicles other factors also contribute towards polluting the air such as factories, power houses emanating fly ash and smoke, household cooking, *dhabas*, restaurants, hotels smoking by citizens and ever increasing dust in the air. Similarly water is also being polluted by discharge of effluents from factories containing hazardous substances. The Municipalities turn the drains towards the rivers, citizens bathe, defecate and sometimes throw corpses and carcasses in the rivers thereby polluting them to the worst level. Noise pollution is also becoming a nuisance in the country day by day. Thus the process of polluting the environment is unabated affecting even the wild life and the flora and fauna. The Government machinery is inadequate to implement the environmental laws but at the same time it is high time the public is made aware of the problems connected with environmental pollution. The citizens should be involved in safeguarding individual and social interests. In this Bill an attempt has been made to suggest modifications in the Environment (Protection) Act, 1986 with a view to make it more meaningful and effective by plugging certain loopholes in dealing with problems of environmental pollution in the country so that it may remain a safe place for habitation.

Hence this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government may, if it considers necessary, constitute enforcement agencies for implementing the provisions of the Environment (Protection) Act, 1986. Clause 4 provides that the Central Government shall constitute National Environmental Quality Agency and National Environmental Authority and Regional offices of these machineries in every State. The Agency and the Authority shall consist of five and three members respectively, to be appointed by the Central Government. It further provides that the Agency would undertake research work, collect information, lay down standards for the quality of environment and for emission or discharge of environmental pollution, preparation of manuals and codes in connection with environmental pollution. It further provides for payment of compensation for loss of life injury to property or health of human beings due to environmental pollution. Clause 5 provides for appointment of officers by the Authority.

The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. An estimated annual recurring expenditure of rupees four crores is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure to the tune of rupees two crore is also likely to be involved.

R.C. TRIPATHI,
Secretary-General.